

SECTION 13-201(b) EXCLUSIONS.

Title 24 of the California Code of Regulations, Sections 13-201 and 460A, which pertain to planning and design of juvenile facilities, shall be applicable to facilities for which architectural drawings have been submitted to the State Board of Corrections for review. These requirements shall not be applicable to facilities that were constructed in conformance with the standards of the Department of the Youth Authority or the Board of Corrections in effect at the time of initial architectural planning. However, an existing juvenile facility built in accordance with construction standards in effect at the time of construction shall be considered as being in compliance with the provisions of this article unless the condition of the structure is determined by the facility administrator or other appropriate authority to be dangerous to life, health or welfare of minors. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least restrictive regulation shall apply.

If, in the course of inspection of local juvenile facilities, the Board of Corrections determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Board of Corrections for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas that need to be remodeled and/or constructed, a definite time period over which the proposed modifications are planned, and a cost estimate including a description of the method of financing.

Guideline: Physical plant regulations date back a number of years and have been revised several times. The intent of this regulation is to identify under which version of the regulations a facility's physical plant is inspected. Facilities constructed at a specific point of time are considered "grandfathered" into the subsequent revisions of these regulations. "Grandfathering," allows a facility to be measured by the regulation in place when the facility was planned and constructed. This is determined by the date of the letter of intent [**Section 13-201(c), Letter of Intent**]. Accordingly, the facility will not be required to meet new and more restrictive physical plant regulations each time the regulations are revised. Facilities previously approved by the Department of the Youth Authority or Board of Corrections meet the "grandfather" requirements.

Determining what regulations to measure a facility against is sometimes difficult since it might be years between the time plans were first drawn and when the facility was actually constructed. Some juvenile facilities have been designed under one set of regulations but not built until after new regulations were adopted. In cases like these, it can be to the department's advantage to comply with the more current regulations. The Board of Corrections will work with facility administrators and architects to bring the design into compliance with the revised regulations, when cost effective, before the facility is constructed.